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SEP 23 1999

Kevin J. Phillips
P.O. Box 1
Caliente, NV 89008

September 18, 1999

Brent and Dorothea Hepworth
P.O. Box 164
Caliente, NV 89008

Dear Brent and Dorothea:

Being a member, and this year serving as chairman of the Joint City/County Impact Alleviation Committee (JCCIAC), a copy of your August 28, 1999 letter to Wendy Dixon has reached me. I have felt since that time that some sort of response should be given to your letter. I have spent considerable time, however, worrying that I might cause offense, which I do not want to do, although it is regrettably apparent that you have no similar compunction towards me.

First, I guess I should apologize for apparently not having established a satisfactory level of trust and friendship allowing you to come to me directly and truly express your concerns, seek answers and information, and explore the reasons why I have formulated the opinion that I have regarding the nuclear waste issue. Admittedly I am surprised, disappointed, and feel bad that you chose to air your laundry in the manner taken.

I honor the fact that you have your own opinion on this issue, and if stated as such there can be no disputation. But although I consider you both as educated it seems to me that you are not entirely up to speed on this issue. I state as reasons to this conclusion the fact that you quote in your letter the same false and thread-bare rhetoric that has made Senator Richard Bryan famous, ie., blaming the nuclear power industry for trying to force this on Nevada, arguing that Nevada didn't generate this waste, etc., etc.

May I point out only a few of what I feel are the inaccuracies in your accusations or baseline information.

First of all, Senator Bryan's own record on this issue is a joke. It appears to me that every move and position change he has made has been and is politically self-serving. First of all, in 1975 as a member of the Nevada Legislature he, along with all of Nevada's leadership including county commissions, city councils, and chambers of commerce, *voted for and invited* the federal government to make the Nevada Test Site the storage place for *all* nuclear material. After changing his position, which the newspapers of the day characterized as "making him look good", he becomes State Attorney General and then Governor. As Governor he supported the creation of the infamous Bullfrog County wherein someone schemed to take the money rightfully belonging to Nye County. Our own current district attorney won the court case for Nye County at that time. Now if the science, technology, and track record for handling and storing nuclear materials had gone into the toilet that would be cause alone for switching positions, but it has

not. Contrariwise, Senator Bryan himself recently stated that the "...technology for dry-cask storage of spent nuclear fuel has greatly improved...". There is no consistency nor integrity in this man's position on this issue.

Secondly, the blaming of the nuclear power industry for trying to force this on Nevada. This is nice false rhetoric which reaps dividends for Nevada's politicians, but here is the truth in a very brief time line:

1954 Atomic Energy Act allows private industry to build and operate commercial nuclear reactors, assigning responsibility for managing spent nuclear fuel to the Atomic Energy Commission. Search for potential sites for high-level radioactive waste repository begins.

1957 National Academy of Sciences recommends geologic disposal.

1958 First commercial nuclear reactor goes on line in Pennsylvania.

1962 A.E.C. begins studying salt deposits in Kansas.

1972 Kansas salt deposits rejected because of technical problems. Research begins on alternative disposal methods, including geologic disposal, disposal in the ocean bed and in polar ice sheets, ejection into outer space and transmutation.

1974 Geologic disposal named preferred alternative. A.E.C. dissolved and two new agencies created, the U.S. Energy Research and Development Administration and the Nuclear Regulatory Commission.

1975 Nevada governor, legislature, county commissions, and chambers commerce invite the storage to Nevada.

1976 U.S. Geologic Survey recommends studying Nevada Test Site because of its remoteness, history of nuclear weapons testing, and thick, unsaturated rock formations.

1982 Nuclear Waste Policy Act enacted, set procedure for comparing potential sites.

1986 Department of Energy narrows search for first repository to three sites.

1987 Nuclear Waste Policy Act amended, declaring Yucca Mountain the only site to be studied.

1998 Viability Assessment issued, no "show-stoppers".

1999 Draft Environmental Impact Statement released.

Simply note that our government created the private commercial nuclear power industry and established U.S. policy at that time regarding the spent fuel, ie., that the government would control and see to the disposal of such. America's ratepayers have met their obligation and paid some thirteen billion dollars into the nuclear waste fund. Our government is in breach of our contract obligation to dispose of the spent fuel by January 31, 1998.

Thirdly, I cannot recall having seen you in attendance at any meetings of the JCCIAC or any of the seemingly infinite meetings, conferences, workshops, conventions, or visits to cities where nuclear generating power plants or Department of Energy or Department of Defense facilities exist. You have not been present when we have spoken to elected officials and the common man alike regarding this issue and their perspective of it. I personally have made a very concerted effort over six years to investigate all sides and weigh the fact and fiction that I observe and then draw conclusions.

Fourthly, as to transportation routing and mode, previous county commissions endorsed the creation of a rail line from somewhere in Lincoln County to access Yucca Mountain. This would create valuable infrastructure, employment, and tax base. It seems unfortunate that you would promote such needed things for other counties rather than your own. And for your information the most viable rail route to Yucca would be from Lincoln County because of fewer institutional constraints. The distance between the two is about a wash. The cost would be about the same. And it is highly unlikely that either will happen.

Fifthly, your accusation that the JCCIAC is taking money under false pretenses and working a concealed agenda is false on its face. For as long as the JCCIAC has existed, its *three-fold* mission statement of working to minimize risk, mitigate impacts, and maximize benefits has been approved by every edition of county commission and city council for a dozen years - twice as long as I have served as Mayor and on the committee. And I suppose I needn't state that I agree with all my predecessors, and believe this, without the slightest doubt, is the most prudent approach for us to take.

If you have information that I am not aware of please consider this an invitation to share it with me. Truth and fact move me. Rhetoric, falsehoods, accusation and threats do not.

To conclude, If you wish to examine the entire issue and gather up a complete set of facts, I am at your service.

Sincerely,



Kevin J. Phillips

CC: The Honorable Senator Richard Bryan

Lincoln County Commissioners

Caliente City Council

Wendy R. Dixon, EIS Project Manager, U.S.D.O.E.

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